

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Raymond McArthur Beall

)

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Case No: 4:95-CR-57-1F

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USM No: 16051-056

Date of Original Judgment: 03/18/1996

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Date of Previous Amended Judgment: 04/13/1998

)

Thomas P. McNamara

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

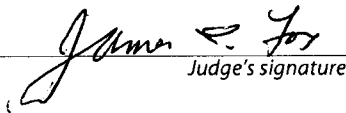
The defendant was originally sentenced at the statutory minimum and that minimum did not change as a result of the retroactive amendment. Consequently, the defendant is not eligible for relief under this amendment. The court overrules the Defendant's objection on the reasoning in *United v. Hood*, 556 F.3d 226 (4th Cir. 2009).

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated March 18, 1996, and April 13, 1998 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 4/21/14


Judge's signature

Effective Date: _____
(if different from order date)

James C. Fox, Senior U.S. District Judge
Printed name and title